

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

IN RE: THE MATTER OF:)
)
Bruce Edwin Hopson & Linda Kathryn) Case No. 09-45523
Hopson) **Response Due: January 3, 2011**
) **Hearing Date: January 10, 2011**
Debtors.) **Hearing Time: 10:00 a.m.**
) **Location: United States**
) **Bankruptcy Court –**
) **Eastern District of Missouri -**
) **Thomas F. Eagleton Courthouse**
) **111 South Tenth Street, Floor 7**
) **North Courtroom**
) **St. Louis, MO 63102**

NOTICE AND MOTION TO APPROVE SETTLEMENT AGREEMENT

WARNING: Any response or objection must be filed with the Court by January 3, 2011. (See L.B.R. 9013-1 B. and 9013-2, or other Rule as applicable). A copy must be promptly served upon the undersigned. Failure to file a timely response may result in the Court granting the relief requested prior to the hearing date.

For his Motion, Trustee states:

1. The Debtors did file their Voluntary Petition in Bankruptcy on June 11, 2009.
2. Tom K. O'Loughlin II is the duly authorized and acting Trustee in this estate.
3. The Debtors had a claim for personal injury against Sam's East, Inc. as a result of an alleged slip and fall incident which occurred inside a Sam's Club Store located in St. Louis County, Missouri. A lawsuit was filed on behalf of the Debtors in

Cause No. 4:10-CV-28 DDN in the United States District Court for the Eastern District of Missouri.

4. This Court approved the employment of Walter L. Floyd as the attorney for the Trustee to pursue the claim against Sam's East, Inc. by its Order dated September 16, 2009.

5. A settlement has been reached between the parties in this lawsuit subject to approval by this Court. Under the provisions of that Settlement Agreement, the terms of the settlement are to remain confidential.

6. The Trustee has been advised to the terms of the Settlement Agreement and has reviewed the proposed Settlement Agreement. After reviewing the same, the Trustee believes this proposed settlement is in the best interest of the bankruptcy estate.

7. This Settlement Agreement is available for review by the parties in interest in this estate but it is confidential and is to remain confidential. If any party desires to see the Agreement, the undersigned is required to file a Motion to Place the Document under Seal and require that a Confidentiality Agreement be signed.

8. The Trustee believes that this Settlement Agreement is in the best interest of the estate and should be approved by the Court.

WHEREFORE, Tom K. O'Loughlin II, Trustee, prays for an Order of this Court approving the proposed confidential settlement with respect to this estate's interest in the lawsuit described herein; to authorize the Trustee to execute and sign such settlement

documents as may be necessary to complete this settlement; and for such other and further relief as may be just and proper.

Respectfully submitted,

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By: /s/ J. Patrick O'Loughlin

J. Patrick O'Loughlin – Fed. Bar #27487MO
State Bar No. 27487

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Notice and Motion to Approve Settlement Agreement was placed in the United States Mails, First Class, postage prepaid, this 3rd day of December, 2010, and mailed to David N. Gunn, The Bankruptcy Company, 1600 S. Brentwood, Ste. 725, Brentwood, MO 63144, Robert Lawson, The Bankruptcy Company, 1600 S. Brentwood Blvd., Ste. 725, Brentwood, MO 63144, Walter L. Floyd, The Floyd Law Firm, P.C., 8151 Clayton Rd., Ste. 202, St. Louis, MO 63117, the Office of the United States Trustee, 111 S. 10th Street, Ste. 6353, St. Louis, MO 63102 and to those persons listed on the attached matrix.

/s/ J. Patrick O'Loughlin